



U.S. House of Representatives
Committee on Transportation and Infrastructure

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Washington, DC 20515

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March 3, 2008

The Honorable Frank R. Lautenberg
324 Hart Senate Office Building
Washington DC 20510

The Honorable Robert Menendez
317 Hart Senate Office Building
Washington DC 20510

Gentlemen:

I was greatly disappointed by your decision to block the confirmation of Federal Aviation Administration (FAA) Acting Administrator Robert Sturgell. The impact of leaving this vital position unfilled will be detrimental to our national aviation system and damage the progress of a number of critical, pending FAA programs. Unfortunately, your action may have the effect of causing a meltdown of critical FAA safety and modernization programs. I would therefore ask that you reconsider your decision and that you allow the full Senate the opportunity to consider this important nomination.

Your actions will also be a severe setback to a very wise bipartisan agreement and law to allow for both consistency and stability in the appointment of this absolutely key administrative position. As you know, in the 1990's, after the agency saw five different administrators within ten years, Congress recognized that the FAA needed stable and consistent leadership and established a five-year term for the position. Former Administrator Jane Garvey, nominated by President Clinton, served the first five-year term during the remainder of the Clinton Administration, as well as during the Bush Administration. Your blocking consideration of this essential and key FAA post casts aside the spirit of the bipartisan recognition to put national interest over political parochial interests.

According to your press announcement issued earlier this month, you cite four issues as the reasons for the hold on Mr. Sturgell's nomination. I would like to respectfully respond to your concerns.

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Airspace redesign of the New York/New Jersey/Philadelphia region

Your hold will even further set back work to better utilize this airspace that now clogs our nation's airspace. The New York Airspace Redesign is a 10-year long effort that began in 1998 under the Clinton Administration and then-FAA Administrator Jane Garvey. With estimates that New York/New Jersey air traffic causes as much as 75% of flight delays nationwide, the importance of this long-term project is critical to relieving congestion throughout the National Airspace System. Your action could penalize our entire air network. No redesign will ever satisfy everyone. It is in the national interest that this work proceeds.

Late last year, the House of Representatives overwhelmingly voted (360 to 65) in favor of the FAA proceeding with its announced redesign plan and reducing congestion throughout the system. The FAA's Record of Decision has been challenged in court and will be further reviewed through the judicial process. This is the normal and appropriate forum to challenge and express disagreement with an agency decision. Additionally, this action undermines any and all effort to resolve the primary cause for delays and congestion, not only in the region but across the nation.

Air traffic controllers staffing levels

You also expressed concern that there are not enough experienced air traffic controllers to manage the nation's busiest airspace. I believe that your decision to block Senate consideration of the FAA Administrator's nomination is at odds with this concern. The long anticipated wave of air traffic controller retirements has begun, bringing with it a challenging transition period. While the FAA is actively recruiting and hiring highly qualified controllers, training new hires and ensuring that experienced controllers are located where needed is an agency challenge that requires consistent and knowledgeable leadership. Blocking this nomination leaves the FAA rudderless at exactly the wrong time. Furthermore, you will damage several pending FAA initiatives to bring on board and relocate more experienced air traffic controllers.

Near misses on runways

How can you express concern with the number of near misses on runways and in the air and not act to have a Congressionally approved FAA Administrator in place? Your inaction, in fact, will further delay pending efforts to address the near-miss and runway incursion problems. Without a confirmed FAA Administrator pending technology upgrade programs face an uncertain future. Although serious near misses on runways continue to decline (24 serious runway incursions out of 61 million aircraft operations in FY 2007, compared to 31 in FY 2006 and 53 in FY 2001), overall runway incursions spiked last year to 371, up from the average of 237 for FY 2001 to FY 2006.

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Congress, the Inspector General, the Government Accountability Office, and the National Transportation Safety Board (NTSB) will continue to scrutinize the FAA's efforts to address, reduce and hopefully eliminate runway incursions. But, allowing the Administrator's position to go unfilled only puts at risk this important FAA safety initiative and hinders our efforts to deal with this problem.

Minimum fuel landings

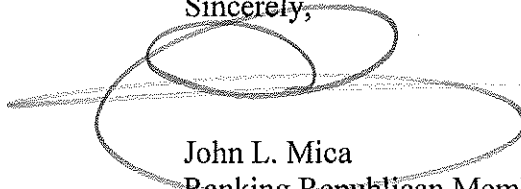
Finally, you question the FAA about reports of a dramatic increase in flights coming in to Newark with only a minimum amount of fuel left in the tank and stated that the agency has not been able to produce statistics or an adequate answer. The FAA states that its review of the available data for Newark has not demonstrated violations of the federal requirements for all flights to carry enough fuel to fly to and beyond a planned alternate airport.

As I understand it, as the result of your inquiry at the end of last year, the FAA has initiated a three step plan that addresses your concerns. The FAA will further clarify its fuel requirements, require aircraft to file fuel reports, and closely monitor the implementation of these requirements. The FAA is also working with airlines nationwide to gather fuel management information from many sources for a thorough review.

I believe it is important to note that if the agency continues to operate without a permanent Administrator, the FAA's response to your concerns is absolutely certain to slow rather than quicken. In addition, please remember that FAA has a new Chief Operations Officer and other key administration officials are and will be leaving. Your inaction endangers the progress of all current and pending FAA programs including the critical Next Generation Air Transportation System (NextGen).

I strongly urge you to lift your hold on the critical FAA Administrator Sturgell's nomination and to allow the full Senate the opportunity to consider this matter. Given the concerns you raised in your press announcement, I believe that now more than ever the FAA needs the leadership and stability of a confirmed Administrator. The longer we delay, the more we risk disaster and a national aviation system meltdown.

Sincerely,

A handwritten signature in dark ink, appearing to read "John L. Mica", is written over a large, loopy, circular scribble that also contains the word "Sincerely,".

John L. Mica
Ranking Republican Member
Committee on Transportation and Infrastructure